

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARK ANDREW CHRISTENSEN,

Petitioner,

vs.

ERIC D. WILSON, Warden, Federal
Medical Center,

Respondent.

Cause No. CV 19-23-BLG-SPW

ORDER DISMISSING PETITION

On February 25, 2019, Petitioner Christensen petitioned the Court under 28 U.S.C. § 2241 to order the Warden of his current facility to recalculate his good time credits in light of the FIRST STEP Act and release him immediately.

Christensen has not paid the \$5.00 filing fee or filed a motion to proceed in forma pauperis, but there is no need to address that deficiency.

Christensen is incarcerated at the Federal Medical Center in Fort Worth, Texas. This Court may issue a writ of habeas corpus only within the District of Montana. *See, e.g., Rumsfeld v. Padilla*, 542 U.S. 426, 434–36, 443 (2004).

Warden Wilson is not in the District of Montana. This Court lacks jurisdiction.

“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” *Id.* at 447. In fact,


Christensen has done just that. He filed an identical § 2241 petition in the Northern District of Texas. *See Christensen v. Wilson*, No. 4:19-cv-84-A (N.D. Tex. Jan. 28, 2019). Transferring this action to cure lack of jurisdiction is not in the interest of justice. *See* 28 U.S.C. § 1631.

Christensen also filed a document titled “Motion for Appointment of Counsel” in which he claims his conditions of supervised release will require modification. The United States Probation Office will address his conditions when he is released and supervision commences.

Accordingly, IT IS HEREBY ORDERED:

1. Christensen’s motion for the appointment of counsel (Doc. 2) is DENIED.
2. The petition is DISMISSED for lack of jurisdiction.
3. This matter is CLOSED. Other than a notice of appeal, no further filings will be addressed.

DATED this 28th day of February, 2019.



Susan P. Watters
United States District Judge